

United States Bankruptcy Court District of Oregon

In re: Van's Aircraft, Inc., Debtor

Case No. 23-62260-dwh11

Claim No. 501 (Matthew Larson)

**MOTION TO EXTEND TIME TO DISCLOSE EXPERT
TESTIMONY and REBUTTAL TESTIMONY UNDER FRCP 26(a)
(2) AND TO RESCHEDULE FINAL HEARING**

TO THE HONORABLE Judge David W. Hercher:

Matthew Larson, Creditor and Claimant No. 501 ("Movant"), respectfully moves this Court for an order extending the deadline for the disclosure of expert testimony under Federal Rule of Civil Procedure ("FRCP") 26(a)(2) and rescheduling the **final hearing** currently set in this matter. In support of this motion, Movant states as follows:

1. Procedural History:

- Movant filed a claim in this bankruptcy proceeding.
- Debtor filed an objection followed by an amended objection to Movant's claim.
- Movant acknowledges a missed deadline to respond to the amended objection due to lack of proper notice.
- Movant is currently under a deadline to disclose expert testimony under FRCP 26(a)(2).
- A **final hearing** in this matter is currently scheduled for June 6th 2025 10am PST.

2. Grounds for Extension and Rescheduling:

- **Scheduling Conflicts and Childcare:** Movant has significant scheduling conflicts at work and requires necessary childcare arrangements, making it difficult to adhere to the current **final hearing** date.
- **Missed Deadline on Amended Objection:** Movant acknowledges the missed deadline to respond to the Debtor's amended objection. Movant believes the objection is without merit, as it objects to Movant's mitigation of losses by selling affected kits. Movant has addressed this issue in separate filings (Docket #789) and does not request a continuance or delay of any hearing on this matter.
- **Complexity of the Case and Debtor's Lack of Cooperation:** This case involves complex issues related to the Debtor's manufacturing processes and the safety of laser-cut parts. The Debtor has provided almost no information in its initial disclosures and is anticipated to be uncooperative in producing crucial testing documents, as requested in Movant's First Request for Production of Documents.
- **Necessary Expert Testimony Preparation:** Due to the complexity of the case and the Debtor's lack of cooperation, Movant requires additional time to adequately prepare expert testimony under FRCP 26(a)(2). The creditor has had zero information released to this supposed study done on Laser Cut parts. Simply put Van's has buried this study hoping it will never see the light of day. The court has only been told: someone else really important and smart has done some fancy tests and they show the laser cut parts to be equal to punched parts. We don't know the name of the institution or the individuals involved. Or if the tests were even performed on the aircraft in question (RV-14A).

- **Debtor's Refusal to Communicate:** Movant, through this filing, states that attempts to contact debtors counsel regarding the need for these extensions have gone unanswered.

3. Relief Requested:

- Movant requests that the Court extend the deadline for disclosing expert testimony under FRCP 26(a)(2) to a date that allows for adequate preparation and discovery.
- Movant requests that the Court reschedule the **final hearing** in this matter to a date in late summer, accommodating Movant's scheduling needs.
- Movant respectfully requests that the court compel the debtor to provide the requested documents from the request for production of documents.

4. Good Faith Efforts:

- Movant represents that good faith efforts were made to resolve these issues with Debtor's counsel, but those efforts have been unsuccessful.

WHEREFORE, Movant respectfully requests that this Court grant this Motion, extend the deadline for disclosing expert testimony to June 2025, reschedule the **final hearing** to August 2025, and grant such other and further relief as the Court deems just and proper.

Dated: March 21, 2025

Respectfully submitted and with Thanks,

Matthew Larson (Pro Se)

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Certificate of Service:

I hereby certify that a true and correct copy of this Motion to Extend Time to Disclose Expert Testimony Under FRCP 26(a)(2) and to Reschedule **Final Hearing** has been served upon all parties of record via electronic mail, in compliance with the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court for the District of Oregon.

I believe this version now accurately reflects your needs. Please carefully review it and let me know if any further changes are necessary.